

Raymond P. Hayden
John Eric Olson
Anthony J. Pruzinsky
Thomas E. Willoughby
Lauren E. Komsa
Hill Rivkins LLP
Attorneys for Claimants
45 Broadway, Suite 1500
New York, NY 10006

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE COMPLAINT OF
CONTI 11.CONTAINER SCHIFFAHRTS-
GMBH & CO. KG MS "MSC FLAMINIA",
AS OWNER, AND NSB NIEDERELBE
SCHIFFAHRTSGESELLSCHAFT MBH &
CO. KG, AS OPERATOR, OF THE MSC
FLAMINIA FOR EXONERATION FROM
LIMITATION OF LIABILITY

Plaintiffs,

Index No.:
12-Civ.-08892 (TPG)

ORDER TO SHOW CAUSE

Upon the reading and filing of the Affidavit of Richard P. Carney, sworn to on February 7, 2013, and the exhibits attached thereto, the Declaration of Lauren E. Komsa, Esq., sworn to on February 7, 2013, and exhibits attached thereto, the accompanying Memorandum of Law in Support of Plaintiff's Request for an Order to Show Cause, and it appearing that Plaintiffs have unreasonably prevented Respondent Cargo Claimants ("Cargo Claimants") from posting reasonable security to secure the release of their cargo, and other good cause having been shown,

IT IS on this 7th day of February, 2013 at 4:50 AM/PM ORDERED as follows:

A. ORDER TO SHOW CAUSE

1. **IT IS ORDERED** that Plaintiff CONTI 11.CONTAINER SCHIFFAHRTS-GMBH & CO. KG MS "MSC FLAMINIA", AS OWNER, are ordered to show cause before the Honorable Thomas P. Griesa, United States District Court Judge at Courtroom 26B at the United States Courthouse, 500 Pearl Street, New York, New York, on February 13, 2013 at 3:00
4:00 p.m.
A.M./P.M.

- a. Why Plaintiff, CONTI 11.CONTAINER SCHIFFAHRTS-GMBH & CO. KG MS "MSC FLAMINIA", AS OWNER, their agents, employees, and persons or entities in active concert or participation with them should not release Cargo Claimants' cargo upon the posting of reasonable security upon the forms annexed to the Affidavit of Richard P. Carney as Exhibits 3 and 4; and

B. SERVICE OF ORDER

This Order is to be served on Plaintiff, CONTI 11.CONTAINER SCHIFFAHRTS-GMBH & CO. KG MS "MSC FLAMINIA" by no later than February 8, 2013, at 12:00 noon AM/PM. ~~Service upon Plaintiff is to be effectuated by serving Plaintiff's attorney of record via e-mail, facsimile, courier, or some other method to ensure its receipt by February _____, 2013 at _____ AM/PM.~~

C. BRIEFING SCHEDULE

IT IS FURTHER ORDERED that the parties shall file their briefs and any affidavits, certifications, or declarations on the following schedule:

1. Plaintiffs' answering papers shall be simultaneously served so as to be actually received by the Court and Plaintiff's counsel on or before

2/12, 2013;

2. Any reply papers by Respondent Cargo Claimants shall be filed and simultaneously served so as to be actually received by the Court and Plaintiffs' counsel on or before as practical, 2013; and
3. In all instances, service of papers submitted to this Court in connection with this Order to Show Cause shall be made in such a manner that said papers are delivered to both the Court and counsel so as to be actually received on or before 4:00 p.m. on the dates described above or sent by other means in such a manner that they are delivered on or before the deadline for hand delivery.

Dated:

2/7/13 4:50 PM

/s/
The Hon. Thomas P. Griesa